

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Solid Waste Site Operator Certification Law is amended by changing Sections 1004, 1005, 1006, 1007, 1009, 1010, and 1011 as follows:

(225 ILCS 230/1004) (from Ch. 111, par. 7854)

Sec. 1004. Prohibition. Beginning January 1, 1992, no person shall cause or allow the operation of a landfill permitted or required to be permitted by the Agency unless the landfill has on its operational staff at least one natural person certified as competent by the Agency under the provisions of this Act.

(a) For landfill sites which accept non-hazardous solid waste ~~other than clean construction or demolition debris~~, the landfill shall have a ~~Class A~~ Solid Waste Site Operator certified by the Agency who is responsible for directing landfill operations or supervising other operational staff in performing landfill operations.

(b) (Blank). ~~For landfill sites which accept only clean construction or demolition debris, the landfill shall have a Class A or B Solid Waste Site Operator certified by the Agency who is responsible for directing landfill operations or~~

~~supervising other operational staff in performing landfill operations.~~

(c) For landfill sites which accept special waste, the landfill shall have a ~~Class A~~ Solid Waste Site Operator certified by the Agency who has received a certification endorsement for the acceptance of special waste and who is responsible for directing landfill operations or supervising other operational staff in performing landfill operations.

(Source: P.A. 86-1363.)

(225 ILCS 230/1005) (from Ch. 111, par. 7855)

Sec. 1005. Agency authority. The Agency is authorized to exercise the following functions, powers and duties with respect to solid waste site operator certification:

(a) To conduct examinations, as well as to approve the use of examinations conducted by third parties, to ascertain the qualifications of applicants for certificates of competency as solid waste site operators;

(b) To conduct courses of training on the practical aspects of the design, operation and maintenance of sanitary landfills;

(c) To issue a certificate to any applicant who has satisfactorily met all the requirements pertaining to a certificate of competency as a solid waste site operator;

(d) To suspend, revoke or refuse to issue any certificate for any one or any combination of the

following causes:

(1) The practice of any fraud or deceit in obtaining or attempting to obtain a certificate of competency;

(2) Negligence or misconduct in the operation of a sanitary landfill;

(3) Repeated failure to comply with any of the requirements applicable to the operation of a sanitary landfill, except for Board requirements applicable to the collection of litter;

(4) Repeated violations of federal, State or local laws, regulations, standards, or ordinances regarding the operation of refuse disposal facilities or sites;

(5) For a holder of a certificate, conviction in this or another State of any crime which is a felony under the laws of this State or conviction of a felony in a federal court; for an applicant, consideration of such conviction shall be in accordance with Section 1005-1;

(6) Proof of gross carelessness or incompetence in handling, storing, processing, transporting, or disposing of any hazardous waste; or

(7) Being declared to be a person under a legal disability by a court of competent jurisdiction and not thereafter having been lawfully declared to be a person not under legal disability or to have

recovered.

(e) To adopt rules necessary to perform its functions, powers, and duties with respect to solid waste site operator certifications.

(Source: P.A. 100-286, eff. 1-1-18.)

(225 ILCS 230/1006) (from Ch. 111, par. 7856)

Sec. 1006. Certification ~~classifications~~. Solid Waste Site Operators shall be certified in accordance with the following ~~classifications~~:

(a) ~~Class "A"~~ Solid Waste Site Operator certificates shall be issued to those persons who in accordance with the provisions of this Section demonstrate a practical working knowledge of the design, operation, and maintenance of sanitary landfills in the following areas:

- (1) unloading, spreading, and compacting of waste, litter collection, and vector abatement;
- (2) traffic control of vehicles delivering waste;
- (3) application, maintenance, and inspection of cover and cover requirements under Board rules and Agency permits;
- (4) fire control, on-site personnel safety requirements, and contingency plan implementation;
- (5) leachate control operation, leachate management, and landfill gas management;
- (6) identification of classes of waste;

(7) causes for revocation or suspension of certificates;

(8) reporting and recordkeeping required by Board and Agency regulations and Agency permits;

(9) financial assurance and groundwater monitoring requirements;

(10) development and implementation of contingency plans, closure plans, post closure plans, and corrective action; and

(11) requirements for payment of fees.

(b) (Blank). ~~Class "B" Solid Waste Operator Certificates shall be issued to those persons who demonstrate a practical working knowledge of the design, operation, and maintenance of landfill sites accepting only clean construction or demolition debris in the following areas:~~

~~(1) unloading and spreading of waste;~~

~~(2) traffic control of vehicles delivering waste;~~

~~(3) application, maintenance, and inspection of cover and cover requirement under Board rules and Agency permits;~~

~~(4) fire control, on-site personnel safety segments and contingency plan implementation;~~

~~(5) leachate control operation and leachate management;~~

~~(6) identification of classes of waste;~~

~~(7) causes for revocation or suspension of~~

~~certificates;~~

~~(8) reporting and recordkeeping required by Board and Agency regulations and Agency permits;~~

~~(9) financial assurance and groundwater requirements;~~
and

~~(10) development and implementation of contingency plans, closure plans, post closure plans, and corrective action.~~

(c) Special waste certificate endorsements shall be issued to those persons who are certified as ~~Class A~~ Solid Waste Site Operators in accordance with the provisions of this Section, and who demonstrate a practical working knowledge of the design, operation, and maintenance of sanitary landfills relative to the acceptance and disposal of special wastes.

(Source: P.A. 86-1363.)

(225 ILCS 230/1007) (from Ch. 111, par. 7857)

Sec. 1007. Qualifications. Every solid waste site operator certified by the Agency shall be capable of performing his duties without endangering the public health or the environment and without violating the requirements applicable to operation of sanitary landfills; shall be able to read and write English; shall produce evidence acceptable to the Agency as to his ability to maintain and operate properly the structures and equipment entrusted to his care; and shall satisfactorily demonstrate to the Agency a practical working

knowledge of the design, operation, and maintenance of sanitary landfills ~~appropriate to the classification for which certification is sought~~. In addition, persons shall be certified as ~~Class "A" or Class "B"~~ based on level of competency determined by examination and in accordance with educational and experience levels as follows:

~~(a) Class "A" Certificates.~~

(1) Graduation from high school or equivalent and not less than 2 years of acceptable study, training, and responsible experience in sanitary landfill operation or management, or not less than 7 years of acceptable study training and responsible experience in operation or management of earth moving equipment; or

(2) Grammar school completion or equivalent and not less than 15 years of acceptable study, training, and responsible experience in sanitary landfill operation or management.

~~(b) Class "B" Certificates.~~

~~(1) Graduation from high school or equivalent and not less than 6 months of acceptable study, training, and responsible experience in sanitary landfill operation or management, or not less than 3 years of acceptable study training and responsible experience in operation or management of earth moving equipment; or~~

~~(2) Grammar school completion or equivalent and not less than 5 years of acceptable study, training, and~~

~~responsible experience in sanitary landfill operation or management.~~

(Source: P.A. 86-1363.)

(225 ILCS 230/1009) (from Ch. 111, par. 7859)

Sec. 1009. Examinations.

(a) Applicants shall undergo examinations ~~Examinations~~ provided or approved by the Agency ~~shall be given to applicants~~ for the purpose of determining if the applicants can demonstrate a practical working knowledge of the design, operation, and maintenance of sanitary landfills ~~appropriate to the classification for which certification is sought~~. No certificate shall be issued prior to successful completion of the applicable examination.

(b) Examinations ~~shall be~~ conducted or approved by the Agency, ~~and~~ shall be held not less frequently than annually. The Agency shall maintain on its website information regarding the examinations, ~~at times and places prescribed by the Agency, of which applicants shall be notified in writing.~~

(Source: P.A. 86-1363.)

(225 ILCS 230/1010) (from Ch. 111, par. 7860)

Sec. 1010. Certificates.

(a) The Solid Waste Site Operator Certificate shall certify the competency of the applicant ~~within the class of the certificate issued,~~ and shall show the full name of the

applicant, have an identifying number, and be signed by the Director.

(b) Certificates shall be issued for a period of 3 years, with the expiration date being 3 years from the first day of October of the calendar year in which the certificate is issued.

(c) Every 3 years, on or before the October 1 expiration, a certified solid waste site operator shall renew his certificate of competency and pay the required renewal fee. A grace period for renewal will be granted until November 1 of that year before the reinstatement penalty is assessed.

(d) At the time of certificate renewal, the applicant shall certify the completion of 15 hours of continuing education covering the operation of landfills during the preceding 3 years. Continuing education used to satisfy this subsection must be approved by the Agency and must cover the design, operation, and maintenance of sanitary landfills as set forth in Section 1006 of this Act, and for certificates that include a special waste endorsement, continuing education must cover the operation of landfills relative to the acceptance and disposal of special wastes ~~demonstrate competency in the same manner as a new applicant.~~

(Source: P.A. 86-1363.)

(225 ILCS 230/1011) (from Ch. 111, par. 7861)

Sec. 1011. Fees.

(a) Fees for the issuance or renewal of a Solid Waste Site Operator Certificate shall be as follows:

(1) (A) \$400 for issuance or renewal for ~~Class A~~ Solid Waste Site Operators;

(B) (blank); and ~~\$200 for issuance or renewal for Class B Solid Waste Site Operators;~~ and

(C) \$100 for issuance or renewal for special waste endorsements.

(2) If the fee for renewal is not paid within the grace period the above fees for renewal shall each be increased by \$ 50.

~~(b) (Blank). Before the effective date of this amendatory Act of the 98th General Assembly, all fees collected by the Agency under this Section shall be deposited into the Hazardous Waste Occupational Licensing Fund. The Agency is authorized to use monies in the Hazardous Waste Occupational Licensing Fund to perform its functions, powers, and duties under this Section.~~

(c) ~~All~~ On and after the effective date of this amendatory Act of the 98th General Assembly, all fees collected by the Agency under this Section shall be deposited into the Environmental Protection Permit and Inspection Fund to be used in accordance with the provisions of subsection (a) of Section 22.8 of the Environmental Protection Act.

(Source: P.A. 98-692, eff. 7-1-14; 98-822, eff. 8-1-14.)

Section 10. The Illinois Oil and Gas Act is amended by changing Sections 1, 8c, 14, and 19.7 and by adding Section 8e as follows:

(225 ILCS 725/1) (from Ch. 96 1/2, par. 5401)

Sec. 1. Unless the context otherwise requires, the words defined in this Section have the following meanings as used in this Act.

"Person" means any natural person, corporation, association, partnership, governmental agency or other legal entity, receiver, trustee, guardian, executor, administrator, fiduciary or representative of any kind.

"Oil" means natural crude oil or petroleum and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods or by the use of an oil and gas separator and which are not the result of condensation of gas after it leaves the underground reservoir.

"Gas" means all natural gas, including casinghead gas, and all other natural hydrocarbons not defined above as oil.

"Pool" means a natural, underground reservoir containing in whole or in part, a natural accumulation of oil or gas, or both. Each productive zone or stratum of a general structure, which is completely separated from any other zone or stratum in the structure, is deemed a separate "pool" as used herein.

"Field" means the same general surface area which is underlaid or appears to be underlaid by one or more pools.

"Permit" means the Department's written authorization allowing a well to be drilled, deepened, converted, or operated by an owner.

"Permittee" means the owner holding or required to hold the permit, and who is also responsible for paying assessments in accordance with Section 19.7 of this Act and, where applicable, executing and filing the bond associated with the well as principal and who is responsible for compliance with all statutory and regulatory requirements pertaining to the well.

When the right and responsibility for operating a well is vested in a receiver or trustee appointed by a court of competent jurisdiction, the permit shall be issued to the receiver or trustee.

"Orphan Well" means a well for which: (1) no fee assessment under Section 19.7 of this Act has been paid or no other bond coverage has been provided for 2 consecutive years; (2) no oil or gas has been produced from the well or from the lease or unit on which the well is located for 2 consecutive years; and (3) no permittee or owner can be identified or located by the Department. Orphaned wells include wells that may have been drilled for purposes other than those for which a permit is required under this Act if the well is a conduit for oil or salt water intrusions into fresh water zones or onto the surface which may be caused by oil and gas operations.

"Owner" means the person who has the right to drill into

and produce from any pool, and to appropriate the production either for the person or for the person and another, or others, or solely for others, excluding the mineral owner's royalty if the right to drill and produce has been granted under an oil and gas lease. An owner may also be a person granted the right to drill and operate an injection (Class II UIC) well independent of the right to drill for and produce oil or gas. When the right to drill, produce, and appropriate production is held by more than one person, then all persons holding these rights may designate the owner by a written operating agreement or similar written agreement. In the absence of such an agreement, and subject to the provisions of Sections 22.2 and 23.1 through 23.16 of this Act, the owner shall be the person designated in writing by a majority in interest of the persons holding these rights.

"Department" means the Department of Natural Resources.

"Director" means the Director of Natural Resources.

"Mining Board" means the State Mining Board in the Department of Natural Resources, Office of Mines and Minerals.

"Mineral Owner's Royalty" means the share of oil and gas production reserved in an oil and gas lease free of all costs by an owner of the minerals whether denominated royalty or overriding royalty.

"Waste" means "physical waste" as that term is generally understood in the oil and gas industry, and further includes:

- (1) the locating, drilling, and producing of any oil

or gas well or wells drilled contrary to the valid order, rules and regulations adopted by the Department under the provisions of this Act;

(2) permitting the migration of oil, gas, or water from the stratum in which it is found, into other strata, thereby ultimately resulting in the loss of recoverable oil, gas or both;

(3) the drowning with water of any stratum or part thereof capable of producing oil or gas, except for secondary recovery purposes;

(4) the unreasonable damage to underground, fresh or mineral water supply, workable coal seams, or other mineral deposits in the operations for the discovery, development, production, or handling of oil and gas;

(5) the unnecessary or excessive surface loss or destruction of oil or gas resulting from evaporation, seepage, leakage or fire, especially such loss or destruction incident to or resulting from the escape of gas into the open air in excessive or unreasonable amounts, provided, however, it shall not be unlawful for the operator or owner of any well producing both oil and gas to burn such gas in flares when such gas is, under the other provisions of this Act, lawfully produced, and where there is no market at the well for such escaping gas; and where the same is used for the extraction of casinghead gas, it shall not be unlawful for the operator of the plant

after the process of extraction is completed, to burn such residue in flares when there is no market at such plant for such residue gas;

(6) permitting unnecessary fire hazards;

(7) permitting unnecessary damage to or destruction of the surface, soil, animal, fish or aquatic life or property from oil or gas operations.

"Drilling Unit" means the surface area allocated by an order or regulation of the Department to the drilling of a single well for the production of oil or gas from an individual pool.

"Enhanced Recovery Method" means any method used in an effort to recover hydrocarbons from a pool by injection of fluids, gases or other substances to maintain, restore or augment natural reservoir energy, or by introducing immiscible or miscible gases, chemicals, other substances or heat or by in-situ combustion, or by any combination thereof.

"Well-Site Equipment" means any production-related equipment or materials specific to the well, including motors, pumps, pump jacks, tanks, tank batteries, separators, compressors, casing, tubing, and rods.

"Temporary abandonment status" means a well that has received an authorization for temporary abandonment status from the Department.

(Source: P.A. 99-78, eff. 7-20-15.)

(225 ILCS 725/8c) (from Ch. 96 1/2, par. 5414.1)

Sec. 8c. (a) No person shall operate a liquid oil field waste transportation system without a liquid oil field waste transportation permit. The liquid oil field waste transporter assumes legal responsibility for the liquid oil field waste when it first enters the liquid oil field waste transportation system, until it is disposed of in a manner authorized and approved by the Department.

(b) No person shall engage, employ or contract with any other person except a permittee under this Section, to remove liquid oil field waste from his premises.

(c) Every person who engages, employs or contracts with any other person to remove liquid oil field waste from his premises shall maintain detailed records of all such liquid oil field waste removal effectuated on forms provided by the Department and shall submit such information in such detail and with such frequency, as the Department may require.

(d) Before engaging in the business of removing liquid oil field waste from the on-site collection point, a person shall apply for and obtain a permit from the Department. The application shall be accompanied by a permit fee of \$150 ~~\$100~~ and by a surety bond covering the period and any renewal thereof for which the permit is issued by a surety company registered in the State, to indemnify the Department for the abatement of pollution of waters which result from any improper disposal of liquid oil field waste by the permittee.

The bonds shall be \$10,000. The Department shall be the obligee and the bond shall be for the benefit and purpose to indemnify the State for the elimination of harmful or nuisance conditions and for the abatement of any pollution of waters which result from the improper disposal of liquid oil field waste by the permittee.

In lieu of the surety bond, the applicant may provide cash, certificates of deposit, or irrevocable letters of credit under such terms and conditions as the Department may provide by rule.

The surety of any bond posted for the issuance of a liquid oil field waste transportation permit, upon 30 days notice in writing to the Department and to the permittee, may cancel any such bond, but such cancellation shall not affect any rights which shall have accrued on the bond before the effective date of the cancellation.

(e) If the Department, after such investigation as it deems necessary, is satisfied that the applicant has the qualifications, experience, reputation, and equipment to perform the services in a manner not detrimental to the public interest, in a way that will not cause unlawful pollution of the waters of the State and meets the bonding requirements of subsection (d), it shall issue a permit to the applicant.

(f) (1) All trucks or other vehicles used to transport or carry liquid oil field waste shall carry a permit issued by the Department for inspection by its representative or

any law enforcement agent. The application for the vehicle permit shall state the make, model and year of the vehicle as well as the capacity of the tank used in transporting liquid oil field waste and such other information as the Department requires. Each application shall be accompanied by a biennial permit fee of \$150 ~~\$100~~ for each vehicle sought to be licensed, payable to the State, and if the Department, after such investigation as it deems necessary, finds the truck or vehicle and equipment is proper and adequate for the purpose, it shall issue a permit for the use of the vehicle. The permit is not transferable from one vehicle to another. The vehicle permit number shall be printed on a decal furnished by the Department which shall designate the years for which the permit was issued. This decal shall be affixed to the upper right hand corner of the inside of the windshield.

(2) All vehicle permits shall be valid for 2 years. Application for renewal of a permit must be made 30 days prior to the expiration date of the permit. The fee for renewal shall be the same as for the original permit.

(g) (1) The tank shall be kept tightly closed in transit, to prevent the escape of contents.

(2) The permittee shall dispose of all liquid oil field waste in conformance with the provisions of this Section.

(3) The permittee shall not dispose of liquid oil

field waste onto or into the ground except at locations specifically approved and permitted by the Department. No liquid oil field waste shall be placed in a location where it could enter any public or private drain, pond, stream or other body of surface or ground water.

(h) Any person who violates or refuses to comply with any of the provisions of this Section shall be subject to the provisions of Sections 8a and 19.1 of this Act. In addition, any person who gathers, handles, transports, or disposes of liquid oil field waste without a liquid oil field waste transportation permit or utilizes the services of an unpermitted person shall upon conviction thereof by a court of competent jurisdiction be fined not less than \$2,000 for a violation and costs of prosecution, and in default of payment of fine and costs, imprisoned for not less than 10 days nor more than 30 days. When the violation is of a continuing nature, each day upon which a violation occurs is a separate offense.

(i) For the purposes of this Section:

(1) "Liquid oil field waste" means oil field brines, tank and pit bottom sediments, and drilling and completion fluids, to the extent those wastes are now or hereafter exempt from the provisions of Subtitle C of the federal Resource Conservation and Recovery Act of 1976.

(2) "Liquid oil field waste transportation system" means all trucks and other motor vehicles used to gather,

handle or transport liquid oil field waste from the point of any surface on-site collection to any subsequent off-site storage, utilization or disposal.

(Source: P.A. 87-744.)

(225 ILCS 725/8e new)

Sec. 8e. Temporary abandonment status fees.

(a) The Department shall assess and collect annual fees of \$100 per well for each well that is in temporary abandonment status.

(b) All annual fees collected pursuant to subsection (a) shall be deposited as follows:

(1) one-half of all such fees shall be placed in the Plugging and Restoration Fund; and

(2) one-half of all such fees shall be placed in the Landowner Grant Program.

(225 ILCS 725/14) (from Ch. 96 1/2, par. 5420)

Sec. 14. Each application for a permit to drill, deepen, convert, or amend shall be accompanied by the required fee of \$400, ~~not to exceed \$300, which the Department shall establish by rule.~~ The fee for an application for a permit to oil lease road shall be \$150. A fee of \$75 for the first 100 wells and \$50 for each well in excess of 100 ~~of \$50 per well~~ shall be paid by the new owner for each transfer of well ownership. Except for the assessments required to be deposited in the

Plugging and Restoration Fund under Section 19.7 of this Act and any other deposits required to be deposited in the Plugging and Restoration Fund under this Act, all fees assessed and collected under this Act shall be deposited in the Underground Resources Conservation Enforcement Fund. The monies deposited into the Plugging and Restoration Fund or the Underground Resources Conservation Enforcement Fund under this Section shall not be subject to administrative charges or chargebacks unless otherwise authorized by this Act.

On and after July 1, 2022, any fees that are created by or increased by this amendatory Act of the 102nd General Assembly in this Section shall be deposited into the Plugging and Restoration Fund.

(Source: P.A. 97-1136, eff. 1-1-13.)

(225 ILCS 725/19.7) (from Ch. 96 1/2, par. 5430.2)

Sec. 19.7. The Department shall assess and collect annual well fees from each permittee in the amount of \$100 ~~\$75~~ per well for the first 100 wells and a \$75 ~~\$50~~ fee for each well in excess of 100 for which a permit is required under this Act.

Fees shall be assessed for each calendar year commencing in 1991 for all wells of record as of July 1, 1991 and July 1 of each year thereafter. The fees assessed by the Department under this Section are in addition to any other fees required by law. All fees assessed under this Section shall be submitted to the Department no later than 30 days from the date

listed on the annual fee assessment letter sent to the permittee. Of the fees assessed and collected by the Department each year under this Section, 50% shall be deposited into the Underground Resources Conservation Enforcement Fund, and 50% shall be deposited into the Plugging and Restoration Fund unless, total fees assessed and collected for any calendar year exceed \$1,500,000; then, \$750,000 shall be deposited into the Underground Resources Conservation Enforcement Fund and the balance of the fees assessed and collected shall be deposited into the Plugging and Restoration Fund. Upon request of the Department to the Comptroller and Treasurer, the Comptroller and Treasurer shall make any interfund transfers necessary to effect the allocations required by this Section.

The monies deposited into the Plugging and Restoration Fund or the Underground Resources Conservation Enforcement Fund under this Section shall not be subject to administrative charges or chargebacks unless otherwise authorized by this Act.

(Source: P.A. 97-1136, eff. 1-1-13.)